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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON DAVID YONAI,

Petitioner,

No. CIV S-06-2327 MCE GGH P

vs.

MS. EVANS, et al.,

Respondents.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Petitioner challenges his September 20, 2001, conviction for aggravated battery on a peace officer. Court records reveal that petitioner filed another action in this court challenging the same conviction, although on different grounds, CIV S-06-2318 MCE GGH P. On January 7, 2008, the court dismissed CIV S-06-2318 MCE GGH P on grounds that the claims were barred by the statute of limitations.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's application to proceed in forma pauperis is granted;
2. Within twenty days of the date of this order, petitioner shall show cause why the claims raised in the instant action are not barred by the statute of limitations.

DATED: 02/01/08

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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